

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

<p><b>NATIONAL LABOR RELATIONS BOARD,</b> <b>Petitioner,</b> <b>and</b> <b>NEW YORK PARTY SHUTTLE, LLC,</b> <b>Respondent,</b> <b>BANK OF AMERICA, WELLS FARGO and</b> <b>CITIBANK, NA,</b> <b>Garnishees.</b></p>	<p><b>Case No. 16-mc-088-P1</b></p>
--	-------------------------------------

**MOTION TO UNSEAL DOCUMENTS**

The National Labor Relations Board (the “Board”), through its undersigned counsel and pursuant to S.D.N.Y Local Rule 6.1, submits this motion to unseal documents previously filed under seal. In support of its Motion, the Board submits as follows:

1. On February 29, 2016, United States District Court Judge Paul A. Engelmayer signed an Order granting the Board’s Motion to file the following documents under seal pursuant to Local Rule 6.1:
  - a. Applicable cover sheet(s);
  - b. Motion of to file Application under seal;
  - c. *Ex Parte* Application for Prejudgment Writ of Garnishment and Protective Restraining Order;
  - d. Memorandum in Support of the Board’s Application;

- e. Affidavit of Igor Volynets in support thereof;
- f. Exhibits A –E to the Volynets Affidavit;
- g. Affidavit of Ruth Basantes in support thereof;
- h. Exhibits 1, 1-A, and 1-B to the Basantes Affidavit;
- i. proposed Writ of Garnishment
- j. proposed Protective Restraining Order
- k. Clerk's Notice of Garnishment and Protective Restraining Order with Exemption form.

The above-listed documents were filed pursuant to the Federal Debt Collection Procedures Act ("FDCPA"), 28 U.S.C., §§ 3001, 3011, 3013, and 3104.

2. On February 29, 2016, Judge Engelmayer signed the Protective Restraining Order. On March 1, 2016, Judge Engelmayer signed the Writ of Garnishment. On March 2, 2016, the Clerk of the Court executed the Clerk's Notice.

3. Between February 29, 2016 and March 2, 2016, the above-listed documents were filed under seal with the Court.

4. On March 2, 2016, by Overnight Mail, each of the three (3) Garnishees were served with a copy of the Protective Restraining Order, the Writ of Garnishment, Instructions to Garnishees and form Answers to the Writ of Garnishment.

5. On March 3, 2016, by UPS Overnight Mail and by Electronic Mail, Respondent was served with the documents listed in paragraph 1 above, along with a copy of the signed Order granting the Board's Motion to File Under Seal, three copies of the Clerk's Notice, a copy of the Writ of Garnishment, Instructions to each of the Garnishees, form Answers for the Garnishees, Instructions to Respondent and a copy

of the signed Protective Restraining Order. Certificates of Service will be filed with the Court under separate cover, once the instant motion is granted.

6. It was necessary to file the documents listed in paragraph 1 under seal so that the effectiveness of the FDCPA would not be undermined by allowing Respondent to alienate, dissipate and/or secrete assets before the Court had an opportunity to consider and act upon the Board's Application. As Respondent and all three (3) of the Garnishees have now been served with the applicable sealed documents, the necessity to maintain the documents under seal no longer exists.

Wherefore, the Board requests that the Court grant its motion to Unseal Documents and grant an Order directing that the documents listed in paragraph 1 above be unsealed and that all future documents in this case be filed unsealed.

A proposed Order is submitted herewith.

Respectfully submitted,



Helene D. Lerner,  
*Supervisory Trial Attorney*  
Tel: (202) 273-3738  
[Helene.lerner@nrb.gov](mailto:Helene.lerner@nrb.gov)

Igor Volynets  
*Trial Attorney*  
Tel: (202) 273-1947  
National Labor Relations Board  
Contempt Litigation and Compliance Branch  
1015 Half St., S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20003  
Fax: (202) 273-4244

Dated this 7th day of March 2016